

## TWELFTH DAY

(Monday, October 19, 1936.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hardin
Adamson	Harper
Adkins	Harris of Archer
Aikin	Harris of Dallas
Alexander	Hartzog
Alsup	Head
Ash	Herzik
Atchison	Hill
Bergman	Hodges
Bradbury	Hofheinz
Bradford	Holland
Bridgers	Hoskins
Broadfoot	Howard
Broyles	Huddleston
Burton	Hunt
Butler of Brazos	Hunter
Butler of Karnes	Hyder
Caldwell	James
Calvert	Jefferson
Canon	Jones of Atascosa
Celaya	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	King
Cowley	Knetsch
Craddock	Lanning
Crossley	Latham
Daniel	Leath
Davis	Lemens
Davison of Fisher	Leonard
Davison	Lotief
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Ford	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Olsen
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas

Riddle	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Thornton
Roark	Tillery
Rogers	Venable
Russell	Waggoner
Sessions	Walker
Settle	Wells
Shofner	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Steward	Worley
Stinson	Young
Stovall	Youngblood

## Absent

Lange	Scarborough
Pope	Stanfield

## Absent—Excused

Bourne	Padgett
Cagle	Palmer
Gray	Roane
Jackson	Roberts
Lindsey	Rutta
Lucas	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, Thou from whom cometh every good and perfect good, grant so to lead us and the entire Legislature that our lines of thought and action may converge upon a common center, the greatest possible good to all in the wisest possible way. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Lindsey for today, on motion of Mr. Davis.

Mr. Lucas for today, on account of important State business, on motion of Mr. Keefe.

Mr. Cagle for today, on motion of Mr. Fuchs.

Mr. Bourne for today, on motion of Mr. Mauritz.

Mr. Roane for today, on motion of Mr. Hartzog.

Mr. Gray for today, on motion of Mr. Olsen.

Mr. Rutta for today, on motion of Mr. Wood of Harrison.

The following Members were granted leaves of absence on account of illness:

Mr. Padgett for today and the balance of the week, on motion of Mr. Ford.

Mr. Jackson for today, on motion of Mr. Hankamer.

Mr. Palmer for today, on motion of Mr. Huddleston.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Tennyson, Mr. Walker and Mr. McFarland:

H. B. No. 51, A bill to be entitled "An Act to provide for the assumption of bonded indebtedness by districts whose boundaries have been extended or enlarged; prescribing the method of holding elections on the question of the assumption of such indebtedness and the levying and collecting of a tax to pay the principal and interest thereof; imposing the duty on the governing board of any such district to levy and collect such taxes; validating assumption elections heretofore held in instances wherein said elections were carried by a majority vote; declaring such indebtedness to be the indebtedness of such district as enlarged or extended; imposing the duty on the governing board of any such district to levy and collect taxes to pay the principal and interest thereof; making applicable to such indebtedness the law authorizing school districts to issue refunding bonds; validating refunding procedure heretofore attempted by such districts; providing that the validating provision of this Act shall not apply to assumption elections or to refunding proceedings which have been held invalid in judgments by courts of competent jurisdiction or where litigation is pending at the time this Act becomes effective; providing that a successor district shall be liable for the indebtedness of its predecessor district in instances wherein the boundaries of said districts are coterminous without the necessity of an election of any character; imposing the duty on the governing board of such district to levy and collect taxes to pay principal and interest of such indebtedness; validating the attempted issuance of refunding bonds heretofore authorized by such districts; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Butler of Brazos and Mr. Quinn:

H. B. No. 52, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease lands belonging to the State Experimental Stations for oil and/or gas and/or sulphur development, prescribing the duties and powers of said Board in regard to such leases, prescribing the mode and manner of sale of said oil and gas and/or sulphur leases on said land and making an appropriation to defray the expenses of the Board in executing the provisions of this law, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Farmer:

H. B. No. 53, A bill to be entitled "An Act levying a tax on royalties from the production of crude oil to provide revenue for the payment of Old Age Assistance; authorizing the Comptroller to provide rules and regulations for ascertaining and collecting the tax on the royalties from the production of crude oil; and amending House Bill No. 26, of the Second Called Session of the Forty-fourth Legislature, providing for a system of local administration and making certain the amount to be received by any individual from the Old Age Assistance Fund; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Collins, Mr. Harris of Dallas, Mr. Reed of Dallas, Mr. Stinson, Mr. Colquitt and Mr. Hanna:

H. B. No. 54, A bill to be entitled "An Act to amend Sections 6, 9, 10, 11, 13 and 17 of Article No. 6243a, Title 109, page 1565, Chapter 387, Section 1, Acts of 1935, being House Bill No. 122, passed by the 44th Legislature, First Called Session, relating to eligibility to participate in Pension Fund; extending and providing the time of making application for membership and participation therein; providing the amount of pension benefits to members of the Pension Fund and beneficiaries; providing a savings clause and a clause which repeals all Acts and laws heretofore made in

conflict herewith including city ordinances; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

#### AUTHORIZING THE COMPTROLLER TO COLLECT CERTAIN INFORMATION

Mr. Greathouse offered the following resolution:

Whereas, The House of Representatives pursuant to the provisions of H. S. R. No. 22, required the Comptroller of this State for the convenience of the Legislature, to verify the amount of Taxes now paid by the various Oil Industries into the Tax Collecting Agencies of this State; and

Whereas, Pursuant to the said resolution, the Hon. George H. Sheppard has complied with said resolution informing the House that during the year 1935 the Oil Industries of this State paid in revenues \$8,087,406.00 as gross production taxes, and \$627,977.00 as regulatory tax on a reported production of 387,706,649 barrels; and

Whereas, The Comptroller has further suggested the aid of the House of Representatives in collecting this information that the House further pass a resolution authorizing the Comptroller to receive from each Tax Collecting Unit of the State, information as to the Ad Valorem Tax now paid by the Oil Industries to the various Tax Collecting Agencies of the State, including Independent School Districts and other political sub-divisions of the State having Tax Collecting Agencies which do not now report to the State Comptroller, in order that the Comptroller's Office might be able to furnish this information in the future to the Legislature; now, therefore, be it

Resolved by the House of Representatives, That all Tax Collecting and/or Tax Assessing Agencies of the State, upon the request of the Comptroller of this State, are hereby authorized and directed to submit to the Comptroller of this State full and complete statements of any and all taxes now assessed or paid in the form of Ad Valorem Taxes to any political sub-division of this State to the end that the Comptroller's office may have in its files the complete information as to the amount of revenues paid by the Oil Industries into the various Tax Collecting Agencies of all political sub-divisions of the State.

The resolution was read second time.

Mr. Greathouse offered the following amendment to the resolution:

Amend the resolution by inserting the words, "upon ad valorem taxes upon oil", after the word State in the resolving clause.

The amendment was adopted.

Mr. Colquitt moved that the resolution be referred to the Committee on Military Affairs.

Mr. Alsup moved to table the motion to refer the resolution.

The motion to table prevailed.

Question recurring on the resolution as amended, it was adopted.

Mr. Colquitt moved to reconsider the vote by which the resolution was adopted.

Mr. Greathouse moved to table the motion to reconsider.

The motion to table prevailed.

#### TO PROVIDE FOR COMMITTEE TO INVESTIGATE CERTAIN CONDITIONS IN STATE BUILDINGS

Mr. Worley offered the following resolution:

Whereas, For the past several years there have been created various State governmental bureaus and departments to better serve the needs of the people of the State; and

Whereas, The creation of such bureaus and departments has resulted in over-crowded conditions in the Capitol Building and other State owned buildings making it necessary for the State to rent space in privately owned buildings; now, therefore, be it

Resolved, That a committee of three members be appointed by the Speaker of the House of Representatives for the purpose of investigating these conditions in an effort to determine a more economical policy, if possible, in caring for such bureaus and departments; and, be it further

Resolved, That no money be appropriated for the expenses of such committee; and, be it further

Resolved, That such committee make its report to the Regular Session of the Forty-fifth Legislature.

The resolution was read second time, and was adopted.

### RELATIVE TO SALARIES OF CERTAIN STATE EM- PLOYEES

Mr. Morrison offered the following resolution:

H. C. R. No. 21, Relative to salaries of certain State employees.

Whereas, It has been brought to the attention of the Texas Legislature that the employees of the Texas State Eleemosynary Institutions did not receive any general increase in their salaries under the General Appropriation Bill passed during the Regular Session of the Forty-fourth Legislature; and

Whereas, The State Departmental employees and the employees of the State Educational Institutions received an increase of from 2% to 5% over their salaries and compensation paid them for the past two years; and

Whereas, This is an unjust discrimination against the employees of the State Eleemosynary Institutions throughout the State of Texas; and

Whereas, Many of these employees in the Eleemosynary Institutions are heads of families and widows working to support their families and are receiving salaries as low as \$30 to \$35 per month; and

Whereas, The Legislature in the First Called Session of the Forty-fourth Legislature passed an Appropriation Bill of \$75,000 to increase the employees of said Eleemosynary Institutions, which appropriation was sufficient to carry this increase only until the first day of August, 1936; and

Whereas, The said employees of the State Eleemosynary Institutions will have no increase in salaries until September 1, 1937, provided the Forty-fifth Legislature grants an increase in their salaries; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Appropriations Committee of the House of Representatives and the Senate Finance Committee of the Texas State Senate be requested to adjust these discriminations and increase the compensations and salaries of the State Eleemosynary Institution's employees who receive \$51 per month or less at least 10% above their present compensations and salaries; that those who receive salaries from \$51 to \$76 per month be given

an increase in salaries and compensations of at least 5% above their present salaries and compensations; that those employees who receive a compensation from \$76 to \$100 per month be given an increase of at least 3% per month above their present salaries and compensations, this to be done as soon as the subject of Appropriations is opened up by the Governor at this Session or any other succeeding Session of the Legislature, and that \$75,000 be appropriated to raise the salaries and compensations of the State Eleemosynary Institution's employees as related above.

The resolution was read second time.

On motion of Mr. Reed of Bowie, the resolution was referred to the Committee on Appropriations.

### RELATIVE TO APPOINTMENT OF COMMITTEE IN REGARD TO BUDGET REQUIREMENTS

Mr. McKee offered the following resolution:

Whereas, The great State of Texas is advancing rapidly, with multitudinous departments, each requiring necessary sums of money for efficient operation each biennium; and

Whereas, There have been appropriations made for specific items, such as buildings, maintenance, etc., but of which the Legislature is not kept informed; and

Whereas, There is also need for additional buildings and many other items of which the incoming Legislature could be reliably informed; and

Whereas, The Legislature is now dependent on the main budget as submitted by the Board of Control and on brief personal interviews with institution officials, thereby gaining only a meager idea as to the actual facts, since such hearings are conducted in the committee room; and

Whereas, There will be a period following the closing of this session and the convening of the Forty-fifth Legislature in which a very great deal of reliable data can be assembled; therefore, be it

Resolved, That a committee of five (5) members are hereby appointed to check up on the budget requirements for the Forty-fifth Legislature; and

Said committee shall work in co-operation with the Board of Control

in any and all matters concerning said budget; and, be it further

Resolved, That the committee so named shall be selected from the present Appropriations Committee, all of whom shall have been renominated to serve in the Forty-fifth Legislature; and, be it further

Resolved, That the Members of said committee shall receive only their necessary expenses, not to exceed \$7.50 per day for each day in attending meetings as called by the Chairman, and in addition thereto, such necessary traveling expenses when on business pertaining to the purposes of this resolution, and such expenses are hereby appropriated out of any monies in the Contingent Expense Fund.

McKEE,  
DICKISON.

The resolution was read second time.

Mr. McConnell moved that the resolution be referred to the Committee on State Affairs.

Mr. Reed of Bowie moved as a substitute motion that the resolution be referred to the Committee on Appropriations.

Mr. McKee moved to table the substitute motion by Mr. Reed of Bowie.

The motion to table was lost.

Question then recurring on the substitute motion by Mr. Reed of Bowie, to refer the resolution to the Committee on Appropriations, it prevailed.

#### CONCERNING MARKET PRICE OF COTTON

The Speaker laid before the House, for consideration at this time, S. C. R. No. 7, Concerning market price of cotton.

The resolution having heretofore been read second time and referred to the Committee on Agriculture.

The Committee on Agriculture having recommended the adoption of the resolution, with the following committee substitute:

Whereas, There has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled, an Act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers, and by providing for a permanent policy of Federal aid to States for such purposes (Public No. 461,

74th Congress) approved by the President, February 29th, 1936;

Whereas, A provision of the Act and the purposes of the grant of money authorized by the Act is made useable by legislative assent of the several States and territories; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Section 1. That the Legislature of the State of Texas adopt as a policy of the State of Texas the policy of cooperating with the governments and agencies of other States and of the United States in carrying out the policies and purposes specified in Section 7-A of said Act, and that

In order to effectuate such policy the Agricultural and Mechanical College of Texas is hereby authorized and empowered:

(1) To receive any grants made pursuant to said Act and to use them for the benefit of the State of Texas in accordance with such conditions as may be prescribed by the Secretary of Agriculture pursuant to the provisions of said Act;

(2) To submit to the Secretary of Agriculture, at such time and in such manner and form as the Secretary prescribes, a State plan to effectuate the purposes of Section 7 of the Soil Conservation and Domestic Allotment Act for each year commencing with the year 1938;

(3) To provide for such methods of administration and such participation in the administration of the plan by State, county and community committees selected by agricultural producers participating, or associations of agricultural producers organized for such purposes as the Secretary of Agriculture of the United States finds necessary for an effective administration of the plan;

Section 2. This resolution shall take effect immediately upon its enactment.

MOFFETT

Mr. McConnell moved that further consideration of the resolution be postponed until 10:00 o'clock a. m., next Thursday.

Mr. Moffett moved to table the motion to postpone further consideration of the resolution.

The motion to table prevailed.

Question recurring on the substitute amendment to the resolution, it was adopted.

Question then recurring on the resolution as substituted, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—106

Adamson	Hyder
Adkins	James
Aikin	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Bradbury	Knetsch
Bradford	Lanning
Bridgers	Leath
Broadfoot	Lemens
Broyles	Leonard
Butler of Brazos	Lotief
Butler of Karnes	Luker
Canon	Mauritz
Celaya	McCalla
Cowley	McFarland
Craddock	McKee
Davis	Moffett
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Morse
Dunagan	Newton
Dunlap of Hays	Olsen
Duvall	Patterson
England	Payne
Fain	Petsch
Farmer	Quinn
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roark
Good	Russell
Graves	Sessions
Greathouse	Settle
Hankamer	Shofner
Hanna	Smith
Hardin	Stinson
Harper	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hartzog	Tillery
Herzik	Venable
Hill	Walker
Hodges	Westfall
Holland	Wood of Harrison
Hoskins	Wood of Montague
Howard	Worley
Huddleston	Young
Hunt	Youngblood
Hunter	

## Nays—4

Burton	McKinney
Colquitt	Thornton

## Present—Not Voting

McConnell

## Absent

Bergman	Jefferson
Caldwell	Lange
Calvert	Latham
Collins	Nicholson
Colson	Pope
Cooper	Riddle
Crossley	Rogers
Daniel	Scarborough
Dunlap of Kleberg	Spears
Dwyer	Stanfield
Frazer	Steward
Head	Waggoner
Hofheinz	Wells

## Absent—Excused

Bourne	Lucas
Cagle	Padgett
Gray	Palmer
Jackson	Roane
Jones of Shelby	Roberts
Lindsey	Rutta

HOUSE BILL NO. 32 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 32, A bill to be entitled "An Act defining certain words, terms and phrases for the purposes hereof; providing and imposing an occupation tax on the first sale, distribution or use of carbon black in this State; providing certain exceptions; requiring distributors of carbon black to obtain a permit and file with the Comptroller of Public Accounts a surety bond or in lieu of bond to deposit in a Suspense Account in the State Treasury an amount of money equal to the amount of bonds required; regulating the issuance of such permits and providing for the suspension and revocation of permits issued; etc., and declaring an emergency."

The bill having been read second time on last Friday, with amendment by Mr. Lotief, pending.

Mr. Worley moved to table the amendment by Mr. Lotief.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 32, page 2, Section 1 (b) by striking out all of Subsection (b) and insert in lieu thereof the following:

"Section 1 (b). 'Distributor' shall mean and include every person in this State who manufactures, extracts, processes or produces carbon black, and makes the first sale, distribution or use of the same in this State, or who ships carbon black out of this State; and it shall also include every person who ships, transports or imports any carbon black into this State and makes the first intrastate sale, distribution or use of the same in this State."

QUINN,  
LOTIEF.

Mr. Rogers raised a point of order, on further consideration of the amendment by Mr. Quinn, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

Mr. Worley moved to table the amendment by Mr. Quinn.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 32 by adding at the end of Section 1 a new Subsection as follows:

"(F) 'Carbon black' includes any black pigment produced in whole or in part from natural gas, casinghead gas, residue gas, coal or lignite."

The amendment was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 32, page 3, by striking out Subsection (a) and Subsection (b) of Section 2, and insert in lieu thereof the following:

"Section 2 (a). There is hereby imposed an occupation or excise tax of one-half (1/2) per cent per pound on the gross amount of all carbon black manufactured, produced or sold within this State, or imported into this State for the purpose of being used or sold within this State. The said tax shall be paid as hereinafter provided upon the carbon black manufactured, produced, sold, distributed or used in Texas.

"(b) The tax shall accrue on the first sale, distribution, use or ship-

ment out of the State of Texas, so that a single tax only will be collected on the same quantity of carbon black, it being intended to impose the tax at its source in Texas or as soon thereafter as such carbon black may be subject to being taxed."

QUINN,  
LOTIEF.

Mr. Rogers raised a point of order, on further consideration of the amendment by Mr. Quinn, on the ground that same violates certain constitutional provisions.

The Speaker overruled the point of order.

Question recurring on the amendment, it was adopted.

Mr. Wood of Harrison moved to reconsider the vote by which the above amendment was adopted.

Mr. Bradbury moved to table the motion to reconsider.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 32 was then passed to engrossment.

#### MOTION TO TAKE UP HOUSE BILL NO. 32

Mr. Quinn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 32 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—90

Adamson	Davisson
Adkins	of Eastland
Aikin	Dickison
Alsup	Dunlap of Hays
Ash	Dwyer
Bergman	England
Bradbury	Fain
Bridgers	Farmer
Broadfoot	Fisher
Broyles	Ford
Burton	Fox
Calvert	Frazer
Canon	Fuchs
Craddock	Glass
Crossley	Graves
Daniel	Greathouse
Davis	Hardin

Harper	Olsen
Harris of Archer	Patterson
Harris of Dallas	Payne
Herzik	Petsch
Hodges	Quinn
Hofheinz	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Riddle
Huddleston	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Russell
Hyder	Sessions
Jones of Atascosa	Settle
Jones of Falls	Shofner
Jones of Wise	Smith
Keefe	Stinson
Knetsch	Stovall
Lemens	Tennyson
Leonard	Tillery
Lotief	Venable
Luker	Waggoner
McFarland	Walker
McKee	Wells
Moffett	Westfall
Moore	Wood of Montague
Morris	Young
Morrison	Youngblood
Newton	

## Nays—33

Alexander	James
Bradford	King
Butler of Karnes	Lanning
Caldwell	Latham
Collins	Leath
Colquitt	McConnell
Cooper	McKinney
Cowley	Morse
Davison of Fisher	Nicholson
Dunagan	Roark
Duvall	Roberts
Gibson	Steward
Good	Tarwater
Hankamer	Thornton
Hanna	Wood of Harrison
Hartzog	Worley
Hill	

## Absent

Atchison	Mauritz
Butler of Brazos	McCalla
Celaya	Pope
Colson	Rogers
Dunlap of Kleberg	Scarborough
Head	Spears
Jefferson	Stanfield
Lange	

## Absent—Excused

Bourne	Lucas
Cagle	Padgett
Gray	Palmer
Jackson	Roane
Jones of Shelby	Rutta
Lindsey	

## REASON FOR VOTE

I am strongly in favor of raising funds for old age assistance. But the Minerals Yearbook of 1935, issued annually by the U. S. Government, shows that the price of carbon black sold for 2.78 cents in 1933, and 3.54 cents in 1934. While I am not in possession of the present market value, nevertheless if it be as much as 4 cents per pound,  $\frac{1}{2}$  cent a pound tax means a sales tax of  $12\frac{1}{2}\%$ . Such a tax is unreasonable and no doubt taking other similar occupation taxes into consideration the courts have held such tax unconstitutional for being so excessive.

McCONNELL.

## HOUSE BILL NO. 3 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 3, A bill to be entitled "An Act amending Section 2, Acts 1933, Regular Session of Forty-third Legislature, page 409, Chapter 162, House Bill No. 154, as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 43, Chapter 12; increasing the tax on oil; allocating the revenue to the Public School Fund, and for the payment of Old Age Pensions; prescribing a savings clause, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

## Yeas—83

Adamson	Farmer
Adkins	Fisher
Aikin	Ford
Alexander	Fox
Alsup	Fuchs
Ash	Glass
Bradbury	Graves
Bridgers	Greathouse
Broadfoot	Hanna
Broyles	Hardin
Burton	Harper
Calvert	Harris of Dallas
Canon	Head
Collins	Herzik
Craddock	Hodges
Crossley	Hofheinz
Cowley	Huddleston
Daniel	Hunt
Davis	Hunter
Davison of Fisher	Hyder
Dickison	James
England	Jones of Falls
Fain	Jones of Wise

Keefe	Roach of Angelina
Knetsch	Roach of Hunt
Lemens	Roark
Leonard	Russell
Lotief	Sessions
Luker	Settle
Moore	Shofner
Morris	Smith
Morrison	Stinson
Newton	Stovall
Olsen	Tarwater
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Quinn	Westfall
Reader	Wood of Montague
Reed of Bowie	Young
Reed of Dallas	Youngblood
Riddle	

## Nays—43

Atchison	Hoskins
Bergman	Howard
Bradford	Jones of Atascosa
Butler of Brazos	King
Butler of Karnes	Lanning
Celaya	Latham
Colquitt	Leath
Cooper	McConnell
Davisson	McFarland
of Eastland	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Morse
Duvall	Nicholson
Dwyer	Rogers
Frazer	Steward
Gibson	Tennyson
Hankamer	Thornton
Harris of Archer	Walker
Hartzog	Wells
Hill	Wood of Harrison
Holland	Worley

## Absent

Bourne	Lange
Cagle	Lindsey
Caldwell	Lucas
Colson	Mauritz
Good	McCalla
Gray	Pope
Jackson	Scarborough
Jefferson	Spears
Jones of Shelby	Stanfield

## Absent—Excused

Padgett	Roberts
Palmer	Rutta
Roane	

Mr. Reader moved to reconsider the vote by which House Bill No. 3 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASONS FOR VOTE

I vote "nay" on House Bill No. 3, for the reason that substantial increases in taxes on oil has already passed the House this Session, in the "Omnibus Bill".

I am opposed to single shot measures.

JONES of Atascosa.

I have heretofore voted for three and one quarter cents (3¼) occupation on oil. I would vote for a tax of that kind now. But the bill as finally passed provides a tax of 10% on the sale of all oil that brings over one dollar per barrel; and 3¼ cents per barrel on oil under that amount.

Such a tax on oil selling for more than \$1.00 is not only inequitable, discriminatory and not uniform, but is certain to result in holding down the price of oil.

Too, when I called the above fact to the attention of the author of the 3¼ cents per barrel amendment, he said such a condition was an oversight and he intended only to tax 3¼ cents per barrel on all oil, regardless of the price, and thought it should be changed. But since it was not changed and since I am of the personal opinion the above facts are true, I voted against the final passage of the bill.

McCONNELL.

## HOUSE BILL NO. 48 ON SECOND READING

On motion of Mr. Russell, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 48, A bill to be entitled "An Act amending and re-enacting Subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the Forty-third Legislature, relative to the taxes levied on the pari-mutuel wagering system, etc., and declaring an emergency."

The Speaker then laid House Bill No. 48 before the House, and it was read second time.

Question—Shall House Bill No. 48 pass to engrossment?

## RECESS

On motion of Mr. Howard, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by Mr. Knetsch.

## LEAVE OF ABSENCE GRANTED

(By unanimous consent.)

Mr. McKee was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Morse.

RELATIVE TO HOUSE BILL  
NO. 53

Mr. Alsup raised a point of order, on further consideration of House Bill No. 53, introduced by Mr. Farmer on this morning, on the ground that the subject matter contained in the bill, has not been submitted by the Governor.

The Chair sustained the point of order.

Mr. Farmer submitted, and was granted permission to insert in the Journal, the following:

I object to sustaining the point of order, raised by Mr. Alsup against House Bill No. 53, that it is not within the Governor's call for Legislation for this Special Session, for the following reasons:

"1. The Governor has submitted in reality the amendment of the Old Age Assistance Law in that part of his message that suggests the transferring of the permanent fund to the Available Old Age Assistance Fund.

2. For the reason that the Governor has further submitted the question of providing for the issuance of Old Age Assistance Warrants to bear interest. This is further submitting the amendment of the law, because it provides that such interest shall be paid out of the Old Age Assistance Fund.

3. The Governor cannot submit for consideration the amendment of part of the law and withhold the rest of it.

4. The Lieutenant Governor presiding over the Senate on last Saturday, held, on an amendment to H. B. No. 8, proposed by Senator Small, wherein he sought to amend said House Bill No. 8 by adding thereto a provision to amend the entire Old Age Assistance Law and to make a new set-up, that such an amendment is within the Governor's call, and per-

mits the amendment of the Old Age Assistance Law.

Senator Van Zandt had raised the point of order against Senator Small's amendment that it did not come within the call of the Governor for Legislation for this Special Session to amend the Old Age Assistance Law.

For these reasons I suggest that the Speaker should overrule the point of order, by Mr. Alsup, and that House Bill No. 53 should be held to be within the call of the Governor, wherein it seeks to amend the Old Age Assistance Law."

Respectfully submitted,

FARMER.

HOUSE BILL NO. 48 ON PASSAGE  
TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 48, relative to the taxes levied on the pari-mutuel wagering system.

The bill having been read second time on this morning.

Mr. Harris of Dallas offered the following amendment to the bill:

Amend House Bill No. 48 by adding a new Section to be known as Section II A to read as follows:

"1. Every person, firm, association or corporation operating a race track for the racing of dogs, or engaged in the business of conducting race meetings for the racing of dogs, within the State of Texas, shall pay to the State Comptroller of the State of Texas, a sum equal to three (3%) per cent of the total contributions to all pari-mutuel pools conducted or made on any and every such race track and on every race at such track. Each person, firm, association or corporation so engaged shall collect from each person attending such race ten (10%) per cent of the established admission price or the sum of ten (10c) cents for each person attending such race meeting, whichever sum is the greater, as an admission tax, and said person, firm, association or corporation shall pay to the State Comptroller the said tax hereinabove provided for. Said payment shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other

information as may reasonably be required by said State Comptroller.

2. If any free passes or complimentary cards shall be issued to guests by any licensee, the licensee of any such track shall pay to the State Comptroller the same tax upon such complimentary admission cards each time they are used for admission to the track as such complimentary passes or cards may be sold at the regular and usual admission rate; provided, that the person, firm, association or corporation conducting race meetings in this State may issue its tickets for admission showing the amount of admission and the amount of tax to be so paid; however, this provision shall not be construed to mean that the person, firm, association or corporation will not be held liable for the payment of the admission tax to the State Comptroller, but nothing herein shall be construed to prohibit the issuance of tax free passes to officials and actual employees of the licensee, or other persons actually working at such track including persons actually employed and accredited by the press such as newspaper reporters and editors.

3. All persons connected with race tracks including the gatekeepers, announcers, ushers, starters, officials, drivers, owners, sellers of racing forms or bulletins, attendants in connection with the wagering machines, managers of tracks or other persons directly employed by any track shall pay an occupational license tax of \$3.00 annually for those persons receiving \$8.00 or less per day; \$5.00 annually for those persons receiving as much as \$8.00 and not more than \$15.00 per day; \$15.00 annually for those persons receiving as much as \$15.00 per day and not more than \$30.00 per day; and \$25.00 annually for all persons receiving more than \$30.00 per day, and \$25.00 for those persons not receiving a daily salary but under contract to said track and shall be so licensed. Upon payment of the respective fees herein provided to be paid to the State Comptroller, the said State Comptroller shall issue a license receipt showing the payment of such fee, provided, however, no license receipts shall be issued to any person, firm, association or corporation to conduct dog racing at a location within twenty (20) miles of another location for which license re-

ceipts have been issued and a racing plant located.

4. It shall be unlawful for any person to take part in or to officiate in any way or to serve in any capacity at any race track without first having secured said license and paid said occupational tax.

5. Every person, firm or corporation operating any such race track or engaged in the business of conducting such race meetings within the State of Texas shall pay to the State Comptroller an annual license fee of One Thousand (\$1000.00) Dollars, which shall be paid by said person, firm, association or corporation so engaged at least fifteen (15) days before the racing season shall start as hereinafter provided. When any such race meeting is held or conducted in any incorporated city or town such city or town shall have the right to assess and collect an additional tax against any person, firm, association or corporation conducting racing within its corporate limits not to exceed \$200.00 per day for dog racing.

6. The funds, revenues and fees as herein provided for, after having been paid to the State Comptroller, shall, on the first day of January and July of each calendar year, be paid by said State Comptroller to the Texas Old Age Assistance Commission and be used by said Commission toward the payment of old age assistance as authorized by law.

7. Upon compliance with all the provisions of this Section and the payment of the fees as herein provided to be paid, said licensee may conduct dog races and use in connection therewith the "certificate system", which system shall expressly authorize and make lawful the right of a licensee to collect and receive contributions of money from any person present at such race toward the entry of any dog in a dog race selected by such person to run first in such race, and the person so contributing such money shall acquire an interest in the total money so contributed on all dogs in such race as first winners in proportion to the amount of money contributed by such person.

8. Such licensee shall receive the said contributions of money and issue to the contributors thereof certificates on which shall be shown the number of the race, the amount contributed and the number or name of the dog,

respectively, selected by such person as first winner.

9. As each race is run the licensee shall be authorized to deduct from the total sum contributed on all dogs as first winners respectively, (12%) twelve per cent of the amount thus contributed, and the odd cents of the redistributions over the next lowest multiple of ten (10) and the balance remaining on hand shall be paid out to the holders of certificates on the winning dog respectively, equally in proportion as the amount contributed by each such person bears to the total amount contributed toward the entry of all the dogs in said race to run first.

10. The licensee, in like way, may receive such contributions on dogs selected to run second, third, or both.

11. The use of such system shall not be permitted at any other place than within the enclosure stated in the license. No such certificate shall be purchased by or sold to a minor, and no other method of contributions shall be permitted except as provided herein and all greyhounds permitted to compete shall be registered in a Stud Book which is internationally recognized as a registry of pure-bred greyhounds for breeding, racing, coursing and importation purposes and such registration certificates, showing the record owner, shall be deposited during such meet with the track secretary and shall be accepted as evidence of registration and pure-breeding for the purpose of entry.

12. The racing season contemplated by this Section shall be for a period of not more than ninety (90) days for each race meet, and no more than two meets may be held by any licensee during any calendar year, provided, however, it shall be unlawful to hold such races on Sunday.

13. The said certificate system as herein authorized shall not be construed to be pool selling, betting or bookmaking within the meaning of Articles 645, 647, and 648 of the Penal Code of the State of Texas, Title 2, Chapter 6, according to the 1925 revision.

14. Any person, firm, association or corporation violating the provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00.

15. If any provision, clause, section or part of section of this Section shall be held to be unconstitutional, it shall not affect the remainder of this Section."

Mr. Spears offered the following amendment to the amendment by Mr. Harris of Dallas:

Amend the amendment by striking out paragraphs 7 and 13, and insert in lieu thereof the following, "Provided the passage of this law shall not in any way be construed to mean that the Legislature intends to legalize or in any way change the statutes of dog racing before the law at this time but such tax shall be levied and collected only in the event it is at this time lawful to run and bet on dog racing."

(Speaker in the Chair.)

Mr. Duvall raised a point of order, on further consideration of the amendment by Mr. Harris of Dallas, and the amendment by Mr. Spears to the amendment, on the ground that the amendments seek to change the original purpose of the bill and that the subject matter contained in the amendments has not been submitted by the Governor.

The Speaker sustained the point of order.

Mr. Morse offered the following amendment to the bill:

Amend House Bill No. 48, Page 5, Line 15, by striking out the word "Fifty" and inserting in lieu thereof the word "Thirty".

Mr. Russell moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Adamson	Davis
Adkins	Davison of Fisher
Aikin	Davisson
Alexander	of Eastland
Ash	Dickison
Atchison	Dunagan
Broadfoot	England
Broyles	Fain
Burton	Farmer
Calvert	Fisher
Canon	Ford
Collins	Fox
Colson	Frazer
Cooper	Fuchs
Craddock	Gibson

Glass	Olsen
Graves	Padgett
Gray	Patterson
Hardin	Payne
Harper	Petsch
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Head	Roach of Angelina
Huddleston	Rogers
Hunter	Russell
Hunt	Sessions
Hyder	Settle
James	Smith
Jones of Shelby	Spears
Jones of Wise	Stovall
Keefe	Tarwater
Lanning	Tennyson
Latham	Tillery
Leath	Waggoner
Leonard	Walker
McConnell	Wells
McFarland	Westfall
Moffett	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Newton	Youngblood

## Nays—34

Alsup	Jefferson
Bergman	Jones of Falls
Bradbury	King
Bradford	Knetsch
Butler of Karnes	Lotief
Colquitt	Luker
Duvall	McKinney
Good	Moore
Hankamer	Morse
Hanna	Quinn
Herzik	Roane
Hill	Roark
Hodges	Shofner
Hofheinz	Steward
Holland	Stinson
Hoskins	Thornton
Howard	Young

## Present—Not Voting

## Venable

## Absent

Bridgers	Jones of Atascosa
Butler of Brazos	Lange
Caldwell	Lemens
Celaya	Mauritz
Cowley	McCalla
Crossley	Nicholson
Daniel	Pope
Dunlap of Hays	Reader
Dunlap of Kleberg	Riddle
Dwyer	Roach of Hunt
Greathouse	Scarborough
Hartzog	Stanfield

## Absent—Excused

Bourne	McKee
Cagle	Palmer
Jackson	Roberts
Lindsey	Rutta
Lucas	

Mr. Hartzog offered the following amendment to the bill:

Amend House Bill No. 48 by adding at the end of Subsection 2, Page 5, the following:

"Provided that the terms of this Act shall not apply to races conducted by any County Fair Association operating on a non-profit basis and does not hold meets longer than six days out of any calendar year."

On motion of Mr. Russell, the amendment was tabled.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 48 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Sub-Section 5 of Section 1, Chapter 100, Acts of the First Called Session of the Forty-third Legislature, un-numbered paragraphs, 9, 10, 11, and 12, Pages 38 and 39 be, and the same is hereby so amended and re-enacted as to hereafter read as follows:

"Sub-Section 1. The license issued shall expressly provide that the licensee shall, in addition to license fees paid, remit to the Treasurer of the State of Texas, through the State Comptroller, at the end of each race meeting such amounts as may be hereinafter provided received as commission or compensation by the licensee, as authorized by this Act. This Fund, when received by the Treasurer, shall be held by him and credited as a Special Racing Fund.

The expense incurred and authorized by virtue of this Act, shall be payable out of the Special Racing Fund, not otherwise, and so much thereof as may be necessary is hereby appropriated and all amounts shall be paid upon accounts approved by the Chairman of the Racing Commission and warrants drawn against said fund by the Comptroller on the State Treasurer.

The Treasurer of the State of Texas, in December of each year, shall make a complete statement of the amount he has received within the calendar year under the provisions of this Act.

After there shall have been charged against this fund the theretofore paid out operating expenses of the Racing Commission in that year as herein authorized, and the additional amount which the Racing Commission shall estimate as being required to be paid out in that year, and, in addition thereto, such amount as the said Racing Commission shall estimate as the expense for the operating of the Commission for the next succeeding calendar year, the amount then remaining in this fund shall be held for and disbursed thus, viz:

After providing for the operating expenses of the Racing Commission as aforesaid, an amount equal to twenty-five per cent (25%) of the funds remaining in the Special Racing Fund shall by the Treasurer of the State of Texas be paid into and credited to the available public free school fund of the State as provided by the Constitution of the State of Texas. An amount equal to twenty-five per cent (25%) of the funds then remaining in the Special Racing Fund shall be used by the Commissioner of Agriculture of the State of Texas to purchase, transport, and deliver for distribution well-bred and approved stallions and jacks throughout the State of Texas, and, in connection therewith, defray the actual reasonable expense incident to the purchase, transportation and maintenance of such animals, in order thereby to promote the breeding of better live stock in the State of Texas. After deducting from said Special Racing Fund the operating expenses of the Racing Commission as aforesaid, and after deducting from said Special Racing Fund the said twenty-five (25%) going to the available public free school fund, and after deducting the said twenty-five per cent (25%) to be so used by the Commissioner of Agriculture of the State of Texas as aforesaid, there shall be deducted from the balance of the fund remaining in said Special Racing Fund two per cent (2%) of such fund and shall be paid into the Texas Old Age Assistance Fund; the balance remaining in said Special Racing Fund, so far as it may be required, shall be used for the payment of the appropriations by the Legislature for the support and maintenance of the State Department of Agriculture as said appropriations for that Department shall be fixed and allowed by the Legislature of the State of Texas

from time to time. It is further provided that any excess left in the Special Racing Fund shall be by the State Treasurer divided into as many equal parts as there are counties in the State of Texas, and he shall thereupon immediately remit one of such equal parts as there are counties in the State of Texas, and he shall thereupon immediately remit one of such equal parts to the County Treasurer of each county in the State of Texas, who shall pay the same into such lawful fund or funds of said county as shall be determined by the Commissioners' Court of said county; such Commissioners' Court is hereby expressly empowered to use such funds at their discretion for the purpose of employing cotton classers holding a cotton classing license from the United States Department of Agriculture, or the equivalent of same, for the purpose of grading and stapling the cotton produced in such counties, making no charge to the growers of such cotton for such classification. The salary of each classer shall not be more than Two Hundred and Fifty (\$250.00) Dollars per month.

The sum so deducted and held by any such licensee shall constitute and be a trust fund belonging to the State of Texas, and the licensee operating such race course is hereby made and constituted the trustee of the State of Texas for the purpose of this Act. He shall keep an accurate record of all receipts and disbursements during any racing meet authorized by the Texas Racing Commission to be conducted by said licensee, which books and records shall at all times be open to inspection of the Comptroller of Public Accounts of the State of Texas, and to the Texas Racing Commission or their duly qualified agents; and at the close of each racing meet held by such licensee, he shall remit to the Treasurer of the State of Texas through the Texas Racing Commission as follows: where the pari-mutuel turnover is one million dollars or a fraction thereof, one-fourth of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall also remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein; and where the pari-mutuel turnover

is more than one million dollars and not more than two million dollars, the licensee shall remit on the first million dollars as provided above, and on the second million dollars or fraction thereof, one-third of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall also remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein; and where the pari-mutuel turnover is more than two million dollars, the licensee shall remit on the first and second million dollars turnover as provided above, and on such million dollars or fraction thereof in excess of two million dollars, such licensee shall remit two-fifths of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein. Failure of any person to collect and remit the sums prescribed herein in accordance herewith shall constitute the offense of embezzlement, and upon the conviction thereof, such person shall be punishable therefore as the law prescribes."

On motion of Mr. Russell, the amendment was tabled.

Question—Shall House Bill No. 48 pass to engrossment?

#### RECALLING HOUSE BILL NO. 3 FROM THE SENATE

Mr. Hankamer offered the following resolution:

H. C. R. No. 22, Recalling House Bill No. 3 from the Senate.

Whereas, House Bill No. 3, as finally passed by the House of Representatives, inadvertently contained a provision levying a tax on crude oil of ten (10%) per cent of the market value when such value is in excess of One (\$1.00) Dollar per barrel; and

Whereas, Such provision does not express the will of the House of Representatives, and should be corrected to conform to the other provisions of the bill fixing the rate of the tax; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said House Bill No. 3 be, and the same is hereby recalled from the Senate for correction.

HANKAMER,  
KNETSCH,  
ROARK,  
STEWART,  
GIBSON,  
WELLS,  
LATHAM.

The resolution was read second time.

Mr. Hofheinz raised a point of order, on further consideration of the resolution, on the ground that the House cannot adopt a motion to reconsider a vote after a motion to reconsider and table has prevailed, and that same is in violation of the House Rules which relate to the recalling of bills.

The Speaker overruled the point of order.

Mr. Hofheinz raised a further point of order, on further consideration of the resolution, on the ground that the adoption of a concurrent resolution is not the proper procedure to recall a bill from the Senate.

The Speaker overruled the point of order.

Mr. Reed of Bowie moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36

Adamson	Jones of Shelby
Adkins	Keefe
Ash	Lemens
Bradbury	Luker
Broyles	Morris
Crossley	Newton
Daniel	Olsen
Davis	Patterson
Dickison	Reader
Farmer	Reed of Bowie
Fox	Roane
Fuchs	Sessions
Glass	Spears
Hardin	Stovall
Head	Tillery
Hofheinz	Venable
Huddleston	Waggoner
Jones of Falls	Westfall

## Nays—89

Aikin	Jefferson
Alexander	Jones of Wise
Alsup	King
Atchison	Knetsch
Bergman	Lanning
Bradford	Latham
Bridgers	Leath
Burton	Leonard
Butler of Karnes	Lotief
Calvert	McCalla
Canon	McConnell
Celaya	McFarland
Collins	McKinney
Colquitt	Moffett
Colson	Moore
Cooper	Morrison
Craddock	Morse
Davison of Fisher	Nicholson
Dunagan	Padgett
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
Duvall	Quinn
Fain	Reed of Dallas
Fisher	Roach of Angelina
Ford	Roach of Hunt
Frazer	Roark
Gibson	Rogers
Good	Russell
Craves	Scarborough
Gray	Settle
Hankamer	Shofner
Hanna	Smith
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Tarwater
Herzik	Tennyson
Hill	Thornton
Hodges	Walker
Holland	Wells
Hoskins	Wood of Harrison
Howard	Wood of Montague
Hunt	Worley
Hunter	Young
Hyder	Youngblood
James	

## Absent

Broadfoot	Greathouse
Butler of Brazos	Harper
Caldwell	Jones of Atascosa
Cowley	Lange
Davisson	Mauritz
of Eastland	Pope
Dwyer	Riddle
England	Stanfield

## Absent—Excused

Bourne	McKee
Cagle	Palmer
Jackson	Roberts
Lindsey	Rutta
Lucas	

Question recurring on the resolution, it was adopted.

### RELATIVE TO THE APPOINTMENT OF CERTAIN COMMITTEE

Mr. Petsch offered the following resolution:

Whereas, Good order and decorum are the first essentials in order to secure efficient and intelligent action from Legislative Bodies; and

Whereas, It is apparent that the Legislature of Texas during the past four or six years has often lacked in good order and decorum to a degree that its efficiency has been often impaired; and

Whereas, Such condition has been brought about and was caused primarily by the seating and microphone arrangements as the same exists in the House of Representatives at the present time; and

Whereas, The lack of good order, attention to pending business, the addresses, and arguments of the speakers is conducive to passage of Legislation without detailed consideration on the part of the individual membership, and it is further conducive to the House of Representatives being held in disrepute by the citizenship of Texas who have occasion to see the House in session; and

Whereas, It is believed to be possible, at very little expense, and trouble, to eliminate the physical conditions responsible for the present situation as hereinbefore mentioned; and

Whereas, It should be the desire of every member of the Legislature to arrange the seats and microphone so that the next Session of the Legislature will not be confronted with the same physical impediments as have confronted the past several Sessions of the Legislature by virtue of the matters hereinbefore referred to; and

Whereas, These arrangements should be made between this Special Session of the Legislature and the Regular Session of the 45th Legislature; and

Whereas, Such ends could only be accomplished by granting such authority to a committee composed of the members of this 44th Legislature; therefore, be it

Resolved, That the Speaker of the House of Representatives and four other members, to be named by him, are hereby appointed as a committee

of the House of Representatives; and such committee is herewith directed to make such arrangements in the matter of seating of the membership and location and use of the microphone as to bring about such physical conditions as will in the judgment of the committee produce a more satisfactory Legislative condition, insuring or producing greater decorum, politeness and attention; and such committee is herewith authorized to call upon the Chairman of the Board of Control for its engineers to assist the committee in working out plans and specifications; and such committee is herewith further authorized to pay out of the Contingent Fund of the House of Representatives, appropriated at this Special Session, for the purpose of paying any and all necessary expenses connected with the carrying out and giving effect to the duties herein imposed upon said committee—the warrants for such expenses to be signed by the Chief Clerk of the House and approved by the Speaker.

The resolution was read second time.

On motion of Mr. Aikin, the resolution was referred to the Committee on Contingent Expenses.

#### MOTION TO TAKE UP HOUSE BILL NO. 32

Mr. Bradbury moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 32 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—89

Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alsup	Dickison
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Bergman	Duvall
Bradbury	England
Broadfoot	Fain
Broyles	Farmer
Burton	Fisher
Butler of Karnes	Ford
Collins	Frazer
Craddock	Fuchs
Crossley	Glass

Graves	Morse
Gray	Newton
Hardin	Padgett
Harper	Patterson
Harris of Archer	Payne
Harris of Dallas	Petsch
Head	Quinn
Hodges	Reader
Hofheinz	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Roach of Angelina
Huddleston	Roach of Hunt
Hunt	Russell
Hunter	Sessions
Hyder	Settle
Jefferson	Smith
Jones of Falls	Spears
Jones of Shelby	Stinson
Jones of Wise	Stovall
Keefe	Tennyson
Khetsch	Tillery
Lemens	Venable
Leonard	Waggoner
Lotief	Walker
Luker	Wells
McCalla	Westfall
Moffett	Wood of Montague
Moore	Young
Morris	Youngblood
Morrison	

#### Nays—33

Alexander	King
Bradford	Lanning
Celaya	Latham
Colquitt	Leath
Colson	Mauritz
Cooper	McConnell
Cowley	McFarland
Davisson	McKinney
of Eastland	Nicholson
Gibson	Roark
Good	Rogers
Hankamer	Scarborough
Hanna	Steward
Hartzog	Tarwater
Hill	Thornton
James	Wood of Harrison
Jones of Atascosa	Worley

#### Absent

Bridgers	Herzik
Butler of Brazos	Howard
Caldwell	Lange
Calvert	Olsen
Canon	Pope
Dunagan	Riddle
Dwyer	Roane
Fox	Shofner
Greathouse	Stanfield

#### Absent—Excused

Bourne	Jackson
Cagle	Lindsey

Lucas  
McKee  
Palmer

Roberts  
Rutta

### MESSAGE FROM THE SENATE

Austin, Texas, October 19, 1936.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted, H. C. R. No. 22, Requesting the return of House Bill No. 3 for correction.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

### HOUSE BILL NO 3 ON FINAL PASSAGE

Mr. Hankamer asked unanimous consent of the House to reconsider the vote by which House Bill No. 3 was passed.

There was objection offered.

Mr. Hankamer then moved that Section 7, of Rule XIII, of the House Rules, which relates to the making of motions to reconsider after a motion to reconsider and table has prevailed, be suspended, at this time, for the purpose of making a motion to reconsider the vote by which House Bill No. 3 was passed.

Question recurring on the motion by Mr. Hankamer to suspend the Rule, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—106

Adamson	Crossley
Adkins	Daniel
Aikin	Davis
Alexander	Davison of Fisher
Alsup	Dickison
Atchison	Dunlap of Hays
Bergman	Dunlap of Kleberg
Bradbury	Dwyer
Bradford	England
Bridgers	Fain
Broadfoot	Fisher
Broyles	Ford
Burton	Fuchs
Butler of Karnes	Gibson
Calvert	Glass
Celaya	Good
Collins	Graves
Colquitt	Gray
Colson	Hankamer
Cooper	Hanna
Cowley	Harper
Craddock	Harris of Archer

Harris of Dallas	Nicholson
Head	Olsen
Hill	Padgett
Hodges	Petsch
Holland	Quinn
Hoskins	Reader
Howard	Reed of Dallas
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roark
James	Rogers
Jefferson	Russell
Jones of Atascosa	Rutta
Jones of Shelby	Scarborough
Jones of Wise	Settle
Knetsch	Smith
Lanning	Steward
Latham	Stinson
Leath	Tarwater
Lemens	Tennyson
Lotief	Thornton
Mauritz	Tillery
McCalla	Waggoner
McConnell	Walker
McFarland	Wells
McKinney	Westfall
Moffett	Wood of Harrison
Moore	Wood of Montague
Morris	Worley
Morrison	Young
Morse	Youngblood

#### Nays—13

Duvall	Luker
Farmer	Patterson
Hardin	Reed of Bowie
Hofheinz	Sessions
Huddleston	Stovall
Jones of Falls	Venable
Keefe	

#### Present—Not Voting

Spears

#### Absent

Ash	Herzik
Butler of Brazos	King
Caldwell	Lange
Canon	Leonard
Davisson	Newton
of Eastland	Payne
Dunagan	Pope
Fox	Riddle
Frazer	Roane
Greathouse	Shofner
Hartzog	Stanfield

#### Absent—Excused

Bourne	Lucas
Cagle	McKee
Jackson	Palmer
Lindsey	Roberts

Mr. Hankamer moved to reconsider the vote by which House Bill No. 3 was passed.

The motion prevailed.

Mr. Hankamer offered the following amendment to House Bill No. 3:

Amend House Bill No. 3, Section 2, subsection (1a), by striking out in line 24 the words and figures "ten (10) cents", and insert in lieu thereof the words and figures "three and one-fourth (3¼) cents", and by striking out in line 26 the words and figures "ten (10) per cent", and insert in lieu thereof the words and figures "three and one-fourth (3¼) per cent".

KNETSCH,  
HANKAMER.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

By unanimous consent of the House, the following amendment to House Bill No. 3 was ordered adopted, in lieu of the above amendment by Mr. Knetsch and Mr. Hankamer:

"Amend Engrossed copy of House Bill No. 3, line 22, by striking out the words and figures "ten (10) per cent and insert in lieu thereof the words and figures three and one-fourth (3¼) per cent."

Amend the caption to conform.

KNETSCH,  
HANKAMER.

House Bill No. 3 was then passed by the following vote:

#### Yeas—93

Adamson	Davis
Adkins	Davison of Fisher
Aikin	Dickison
Alexander	Dunlap of Hays
Alsup	England
Atchison	Fain
Bradbury	Farmer
Bradford	Fisher
Bridgers	Ford
Broadfoot	Fuchs
Broyles	Glass
Burton	Good
Butler of Karnes	Graves
Calvert	Gray
Collins	Hanna
Colquitt	Hardin
Colson	Harper
Cowley	Harris of Dallas
Craddock	Head
Daniel	Hill

Hodges	Quinn
Hofheinz	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Huddleston	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Roark
James	Rogers
Jefferson	Russell
Jones of Falls	Rutta
Jones of Shelby	Scarborough
Jones of Wise	Sessions
Keefe	Settle
Knetsch	Shofner
Leath	Spears
Lemens	Stinson
Lotief	Stovall
Luker	Tarwater
Mauritz	Tillery
McConnell	Waggoner
Moore	Westfall
Morris	Wood of Harrison
Morrison	Wood of Montague
Olsen	Worley
Padgett	Young
Patterson	Youngblood
Petsch	

#### Nays—26

Bergman	Latham
Celaya	McCalla
Cooper	McFarland
Duvall	McKinney
Dwyer	Moffett
Gibson	Morse
Hankamer	Nicholson
Harris of Archer	Roane
Howard	Steward
Hyder	Tennyson
Jones of Atascosa	Thornton
King	Walker
Lanning	Wells

#### Absent

Ash	Hartzog
Butler of Brazos	Herzik
Caldwell	Lange
Canon	Leonard
Crossley	Newton
Davisson	Payne
of Eastland	Pope
Dunagan	Riddle
Dunlap of Kleberg	Smith
Fox	Stanfield
Frazer	Venable
Greathouse	

#### Absent—Excused

Bourne	Lucas
Cagle	McKee
Jackson	Palmer
Lindsey	Roberts

Mr. Farmer moved to reconsider the vote by which House Bill No. 3 was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### REASON FOR VOTE

I vote "nay" on House Bill No. 3 and final passage after Knetsch-Hankamer Amendment for the same reason stated in original passage.

JONES of Atascosa.

#### MOTION TO LAY HOUSE BILL NO. 2 ON THE TABLE SUBJECT TO CALL

Mr. Spears moved that House Bill No. 2 be laid on the table subject to call.

Question recurring on the motion to lay House Bill No. 2 on the table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—56

Adkins	Jones of Falls
Aikin	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	Lanning
Bradbury	Lemens
Bridgers	Lotief
Broadfoot	McConnell
Burton	Morris
Calvert	Newton
Daniel	Olsen
Davis	Patterson
Davison of Fisher	Payne
Dickison	Petsch
England	Reed of Bowie
Fain	Roark
Farmer	Rutta
Ford	Sessions
Glass	Spears
Graves	Stovall
Gray	Tarwater
Harper	Tennyson
Harris of Archer	Tillery
Head	Venable
Herzik	Walker
Hodges	Westfall
Huddleston	Wood of Montague
Hunt	Youngblood

#### Nays—59

Adamson	Celaya
Bergman	Collins
Bradford	Colquitt
Broyles	Colson
Butler of Karnes	Cooper

Crossley  
Dunlap of Hays  
Dunlap of Kleberg  
Duvall  
Dwyer  
Fisher  
Frazer  
Gibson  
Good  
Hankamer  
Hanna  
Hardin  
Harris of Dallas  
Hartzog  
Hill  
Hofheinz  
Hoskins  
Howard  
Hunter  
James  
Jefferson  
Jones of Atascosa  
King  
Leath  
Leonard

Luker  
Mauritz  
McCalla  
McKinney  
Moffett  
Moore  
Morse  
Quinn  
Reed of Dallas  
Riddle  
Roach of Angelina  
Roach of Hunt  
Roane  
Russell  
Scarborough  
Settle  
Smith  
Steward  
Stinson  
Thornton  
Waggoner  
Wells  
Wood of Harrison  
Young

#### Absent

Alexander	Knetsch
Butler of Brazos	Lange
Caldwell	Latham
Canon	McFarland
Cowley	Morrison
Craddock	Nicholson
Davisson	Padgett
of Eastland	Pope
Dunagan	Reader
Fox	Rogers
Fuchs	Shofner
Greathouse	Stanfield
Holland	Worley
Hyder	

#### Absent—Excused

Bourne	Lucas
Cagle	McKee
Jackson	Palmer
Lindsey	Roberts

#### MOTION TO TAKE UP HOUSE BILL NO. 32

Mr. Hanna moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 32 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—85

Adamson	Ash
Adkins	Atchison
Aikin	Bradbury

Bridgers	Jones of Wise
Broadfoot	Keefe
Burton	Lemens
Butler of Karnes	Leonard
Calvert	Lotief
Collins	Luker
Colquitt	Moffett
Crossley	Moore
Daniel	Morris
Davis	Newton
Dickison	Olsen
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
England	Petsch
Fain	Quinn
Farmer	Reed of Bowie
Fisher	Reed of Dallas
Ford	Riddle
Fuchs	Roach of Angelina
Glass	Roach of Hunt
Graves	Roane
Gray	Roark
Hankamer	Russell
Hanna	Rutta
Harper	Sessions
Harris of Archer	Settle
Harris of Dallas	Smith
Head	Spears
Herzik	Stinson
Hodges	Tennyson
Hofheinz	Tillery
Howard	Venable
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Hyder	Westfall
James	Wood of Montague
Jefferson	Young
Jones of Falls	Youngblood
Jones of Shelby	

## Nays—28

Broyles	Latham
Celaya	Leath
Cooper	Mauritz
Cowley	McCalla
Davison of Fisher	McConnell
Duvall	McFarland
Gibson	McKinney
Good	Rogers
Hartzog	Scarborough
Hill	Steward
Jones of Atascosa	Tarwater
King	Thornton
Knetsch	Wood of Harrison
Lanning	Worley

## Absent

Alexander	Canon
Alsup	Colson
Bergman	Craddock
Bradford	Davisson
Butler of Brazos	of Eastland
Caldwell	Dunagan

Dwyer	Morse
Fox	Nicholson
Frazer	Padgett
Greathouse	Pope
Hardin	Reader
Holland	Shofner
Hoskins	Stanfield
Lange	Stovall
Morrison	

## Absent—Excused

Bourne	Lucas
Cagle	McKee
Jackson	Palmer
Lindsey	Roberts

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Rogers:

H. B. No. 55, A bill to be entitled "An Act validating all proceedings heretofore had by the governing bodies of all counties, cities and towns in connection with the issuance of bonds for any purpose, including election orders, notices of election, returns of election, orders canvassing election returns, and bonds issued pursuant thereto, including among other instances wherein there have been irregularities in the calling of elections and in the giving of notice of elections; providing that when approved by the Attorney General and registered in the office of the Comptroller of Public Accounts and delivered to the purchasers thereof said bonds shall constitute valid and binding obligations, validating tax levies made to support said bonds, providing that the provisions of this Act shall not apply in instances wherein the validity of such proceedings or obligations is being litigated at the time this Act becomes effective; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Moffett:

H. B. No. 56, A bill to be entitled "An Act to validate all Consolidated Rural High School Districts created or attempted to be created by County Boards of Trustees, validating acts of County Boards of Trustees in creating or attempting to create Consolidated Rural High School Districts

out of a district or districts that had been theretofore a Consolidated Common School District or Districts, validating all elections, tax assessments, assessment rolls, and tax rolls, and the levy of taxes by said School Districts, validating all proceedings had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued, providing for certain exceptions where litigation is pending; and declaring an emergency."

Referred to the Committee on Education.

### ADJOURNMENT

Mr. Reed of Dallas moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. McCalla moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. McCalla, it prevailed, and the House, accordingly, at 5:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Education: House Bill No. 51.

Municipal and Private Corporations: House Bill No. 54.

#### THIRTEENTH DAY

(Tuesday, October 20, 1936.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bradbury
Adamson	Bradford
Adkins	Bridgers
Aikin	Broadfoot
Alexander	Broyles
Alsup	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes
Bergman	Cagle
Bourne	Calvert

Canon	Knetsch
Collins	Lanning
Colson	Latham
Cooper	Leath
Cowley	Lemens
Craddock	Leonard
Crossley	Lindsey
Daniel	Lotief
Davis	Luker
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McFarland
Dickison	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Moore
Duvall	Morris
Dwyer	Morrison
England	Morse
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Ford	Patterson
Fox	Payne
Frazer	Petsch
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Hardin	Rogers
Harper	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Sessions
Head	Settle
Herzik	Shofner
Hill	Smith
Hodges	Spears
Hofheinz	Steward
Holland	Stinson
Hoskins	Stovall
Howard	Tarwater
Huddleston	Tennyson
Hunt	Thornton
Hunter	Tillery
Hyder	Venable
Jackson	Waggoner
James	Walker
Jefferson	Wells
Jones of Atascosa	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
King	Youngblood
	Absent
Celaya	Pope
Lange	Stanfield